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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ O.M.P. 359/2006

M/S VALUE ADVISORY SERVICES

..... Petitioner

Through None.

versus

M/S ZTE CORPORATION AND OTHERS

..... Respondents

Through Mr. R.K. Gupta, Advocate

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

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08.01.2016

O.M.P. 359/2006, I.A. No.25759/2015 (under Section 151 CPC) & I.A. No.25760/2015 (exemption)

1. The main petition O.M.P. No.359/2006 was filed under Section 9 of the Arbitration and Conciliation Act, 1996. This main petition was disposed of in terms of the order dated 27.08.2007 by granting the interim order. Thereafter an application was filed being I.A. No.18024/2015 and which application was allowed to be withdrawn with liberty to file independent proceedings in accordance with law. Obviously, this was done because a Section 9 petition is only an interim application and if an interim application which is disposed of and if any relief is sought in the nature of vacation of

the interim order then an independent petition under Section 9 of the Arbitration and Conciliation Act, 1996 would have to be filed.

2. Now these applications again effectively seek directions of vacating of interim orders as also for deposit of amount and which cannot be done by filing an application in a disposed of petition because an application cannot be filed in an application and that too in an application which has been disposed of i.e once a petition under Section 9 of the Arbitration and Conciliation Act, 1996 has been disposed of and any party seeks further interim relief, including of vacation equivalent to Order 39 Rule 4 CPC then the same would have necessarily be done by filing independent proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 and not by filing an application in a disposed of matter.

3. These applications are therefore dismissed with similar liberty as was granted as per order dated 31.08.2015.

4. Though the present is a fit case in which exemplary costs should be imposed upon the applicant in view of the earlier order directing filing of independent proceedings, however, in the interest of justice costs are not being imposed.

VALMIKI J. MEHTA, J

JANUARY 08, 2016/nn